

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KRISTY RELLA,

Plaintiff,

16 Civ. 916 (AEK)

-against-

**JUDGMENT**

WESTCHESTER BMW, INC., BMW of NORTH  
AMERICA, LLC, and BAYERISCHE MOTOREN  
WERKE AKTIENGESELLSCHAFT,

Defendants.

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**WHEREAS**, Plaintiff Kristy Rella (“Plaintiff”) brought the above-entitled action against Defendants BMW of North America, LLC (“Defendant BMW N.A.”) and Bayerische Motoren Werke Aktiengesellschaft (“Defendant BMW AG”) (collectively, “Defendants”);<sup>1</sup>

**WHEREAS**, this action was assigned to the Honorable Lisa Margaret Smith, United States Magistrate Judge, by consent of the parties pursuant to 28 U.S.C. § 636(c), ECF No. 188, and reassigned to the undersigned on October 15, 2020;

**WHEREAS**, this action proceeded to a jury trial on July 5, 2022;

**WHEREAS**, on July 12, 2022, Defendants moved before the Court pursuant to Rule 50 of the Federal Rules of Civil Procedure for a judgment as a matter of law in favor of both Defendants as to the strict products liability claim, and in favor of Defendant BMW AG as to the negligent manufacture claim;

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<sup>1</sup> In addition to the aforementioned Defendants, Plaintiff also asserted claims against Westchester BMW, Inc. in the Complaint, ECF No. 1, and the operative First Amended Complaint, ECF No. 164. Westchester BMW, Inc. has failed to appear in this action and the Clerk of Court entered a Certificate of Default on July 20, 2016. ECF No. 25. Plaintiff’s application for a default judgment against Westchester BMW, Inc. remains pending. *See* ECF Nos. 30, 33, 34, 39, 40 & Minute Entry dated Sept. 8, 2016.

**WHEREAS**, the Court found that with respect to the negligent manufacture claim against Defendant BMW AG, a reasonable jury would not have a legally sufficient evidentiary basis to find for Plaintiff on that issue;

**WHEREAS**, on July 12, 2022, the Court granted the motion for judgment as a matter of law on the negligent manufacture claim as to Defendant BMW AG, but reserved decision on the motion with respect to the strict products liability claim against both Defendants; and

**WHEREAS**, on July 13, 2022, the jury reached a unanimous verdict in favor of both Defendants on the strict products liability claim that was presented to the jury,

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED**, that the negligent manufacture claim against Defendant BMW AG is dismissed as a matter of law, and judgment is entered in favor of both Defendants with respect to the strict products liability claim.

Accordingly, the Clerk of Court is respectfully requested to terminate Defendants BMW of North America, LLC and Bayerische Motoren Werke Aktiengesellschaft.

Dated: July 14, 2022  
White Plains, New York

**SO ORDERED.**



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ANDREW E. KRAUSE  
United States Magistrate Judge